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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,456	10/30/2001	Jose Costa Requena	944-001.038-1	2266
7590	01/10/2007	Ware, Fréssola, Van Der Sluys & Adolphson, LLP Building Five, Bradford Green 755 Main Street P.O. Box 224 Monroe, CT 06468	EXAMINER SIDDIQI, MOHAMMAD A	
			ART UNIT 2154	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/10/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/023,456	REQUENA, JOSE COSTA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mohammad A. Siddiqi	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10/23/2006.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 17-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date _____                                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. Claims 17-21 are presented for examination. Claims 1-16 and 22-25 have been cancelled.

### ***Response to Arguments***

2. In view of the Appeal Brief filed on 10/23/2006, have been fully considered and are persuasive, PROSECUTION IS HEREBY REOPENED.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 17 recites the limitation "said information" in claim 17, line 8.  

There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17- 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalal et al. (US 2002/0065894) (hereinafter Dalal) in view of Armstrong et al (6,807,423) (hereinafter Armstrong).

6. As per claim 17, Dalal discloses, System, comprising:  
a central server (10, fig 1, page 2, paragraph #0015), responsive to an invitation message from an inviting user (13, fig 1) to exchange content with an invited user (12, fig 1, page 2, paragraphs #0014-#0015), for providing a presence query (15, fig 1, page 2, paragraph #0016); and  
a presence server (15, fig 1), responsive to said presence query (15, fig 1, page 2, paragraph #0016), for providing presence information relating to a registered user (instant messenger client 12, messaging processor 15, fig 1, page 2, paragraphs #0014-#0016),  
wherein said central server is responsive (10, fig 1, page 2, paragraph #0015) to said presence information relating to said invited user registered at said presence server (instant messenger client 12, presence and messaging processor 15, fig 1, page 2, paragraphs #0014-#0016) for use in deciding said content is sent to said invited user, stored or refused (user

preference store in 26, fig 1, fig 2, page 2, paragraph #0017), wherein said presence query and invitation message are communicated according to an application layer control protocol (20, fig 1, Page 2, paragraph #0015).

Dalal fails to disclose wherein said information relating to presence pertains to a spatial location of said registered user. However Armstrong discloses information relating to presence pertains to a spatial location of said registered user (col 11, lines 56-58). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Armstrong and Dalal. The motivation (as it is evidenced in Dalal, page 1, paragraph #0003) would have been keeping track of family member, business and people with shared interest.

7. As per claim 18, the claim is rejected for the same reasons as claim 17, above. In addition, Dalal Discloses central server is also responsive to said invitation message for providing a subscription query and wherein said system further comprises a messaging server (instant messaging server, page 2, paragraph #0014), responsive to said subscription query, for providing notification information relating to a request from a subscribed user for notification of an event (user can be notified, page 1, paragraph #0009), and wherein said central server is responsive to said notification information for said subscribed user in deciding said content should be sent

to said invited user, stored or refused (user preference, subscriber is a user who subscribes Instant messaging, page 2, paragraph #0017).

8. As per claim 19, the claim is rejected for the same reasons as claim 17, above. In addition, Dalal disclose application layer control protocol is a session initiation protocol (SIP) (20, fig 1, the Session Initiation Protocol (SIP) is an Internet Engineering Task Force standard protocol for initiating an interactive user session that involves multimedia content such as video, voice, chat, gaming, and virtual reality, like HTTP or SMTP, SIP works in the Application layer of the Open Systems Interconnection communications model, the Application layer is the level responsible for ensuring that communication is possible. SIP can establish multimedia sessions or Internet telephony calls, and modify, or terminate them, the protocol can also invite participants to instant messaging sessions that do not necessarily involve the initiator, because the SIP supports name mapping and redirection services, it makes it possible for users to initiate and receive communications and services from any location, and for networks to identify the users where ever they are.)

9. As per claim 20, the claim is rejected for the same reasons as claim 17, above, in addition, Armstrong discloses information relating to presence

and pertaining to said spatial location of said user is communicated as a spatial location payload (col 1, lines 45–63, col 11, lines 56-58).

10. As per claim 21, the claim is rejected for the same reasons as claim 17, above. In addition, Armstrong discloses information relating to presence and pertaining to said spatial location of said user is communicated as a spatial location payload (col 1, lines 45–63, col 11, lines 56-58).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAS